

REMARKS

In the Office Action, a restriction requirement was imposed under 35 U.S.C. §121 to one of the following inventions:

I. Claims 1-34, drawn to a dry formulation comprising at least two doses of coated drug particles and a viscosity enhancing substance, classified in class 424, subclass 489.

II. Claims 35-47, drawn to a method of producing a multi-dose suspension, classified in class 424, subclass 489.

III. Claims 48-50, drawn to a method of treating or preventing a Gram-positive bacterial infection, classified in class 424, subclass 489.

An election of species was also required for the hydrophobic polymer film and the viscosity enhancing substance. In response, applicants hereby provisionally elect the claims of Group I, claims 1-34, drawn to a dry formulation comprising at least two doses of coated drug particles and a viscosity enhancing substance, classified in class 424, subclass 489. In response to the elections of species requirement, applicants provisionally elect a hydrophobic polymer film species comprising methacrylic acid and a viscosity enhancing substance comprising xanthan gum, with traverse. Claims 1 to 34 encompass the elected invention, including the elected species.

According to the MPEP

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.


MPEP §803.

Applicants respectfully submit that the search and examination of hydrophobic polymer films and viscosity enhancing substances can be made without serious burden using standard electronic search methods. One can readily envision that an electronic search encompassing the generic class of substances as well as any specific species of the genus can be performed without serious burden. Accordingly, applicants respectfully request reconsideration of the election of species requests in the restriction requirement.

The Examiner is invited to contact the undersigned at the telephone number provided below if the Examiner believes such would be helpful in advancing the application to issue.

Respectfully submitted,

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